

No. PD-0039-19

JOHN CHRISTOPHER FOSTER

)

V.

)

THE STATE OF TEXAS

)

IN COURT OF  
FILED  
COURT OF CRIMINAL APPEALS  
CRIMINAL APPEALS  
DEANA WILLIAMSON, CLERK  
OF TEXAS

**APPELLANT'S SECOND MOTION TO  
EXTEND TIME FOR FILING BRIEF**

TO THE HONORABLE JUSTICES OF SAID COURT:

COMES NOW, John Christopher Foster, Appellant, through counsel, Ken Mahaffey, and respectfully moves to extend the time for filing the Appellant's Brief in the above styled and numbered cause. In support thereof, Appellant would show the Court the following:

1. **JUDGMENT OF CONVICTION**. The judgment being appealed was imposed in the 403rd District Court of Travis County on October 5, 2017. Appellant was convicted of Aggravated Assault with a Deadly Weapon.

2. **APPELLANT IN CUSTODY**. Appellant was sentenced to 17 years and 6 months years and is currently serving that sentence.

3. **DATE BRIEF DUE**. Appellant's brief was due on August 2, 2019.

4. **REASON FOR EXTENSION**. Counsel had to deal with a family emergency and unexpectedly had to travel out of town. Remote access to the word processing program was limited and attempts to compile the index of authorities resulted in multiple crashes. This had to be done by hand without the luxury of being in the office. The brief in this case addresses issues of important constitutional matters not apparent from the State's presentation so those references are vital to appellant's response. Counsel apologizes for the delay. This is the client's case and his liberty is at issue. Counsel accepts all responsibility for any delay and respectfully asks the Court not to penalize

the client and accept this brief on the merits.

5. **DURATION OF EXTENSION SOUGHT**. Appellant respectfully requests this Court grant an extension of time to today August 9, 2019 to file its brief in this cause.

**PRAYER FOR RELIEF**

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully moves to extend the time for filing the Appellant's Brief in this cause.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ken Mahaffey". The signature is written in a cursive, flowing style.

Ken Mahaffey  
Counsel for Appellant  
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**CERTIFICATE OF SERVICE**

The above signature certifies that document was sent to the Travis County D.A.'s Office and the State Prosecuting Attorney by electronic service through the Texfile system and to John Christopher Foster, 02161486, 12071 FM 3522, Abilene, TX 79601.